

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

MAR 06 2015

David J. Bradley, Clerk

Joel Cardenas-Meneses
48474-179

Plaintiff/Affiant,

v.

Anibal Alaniz, AUSA/DOJ;
Mr. Lozano, ICE, Agent;
Mr. Gaytan, ICE Agent;
Mr. Pacheco, DPS agent;
Eric Holder, U.S. Attorney Gen.
John Doe 1 ICE, Agent;
Jane Doe 2 ICE, Agent;
Defendant's

Civil Action Number:

~~M-15-319~~

Honorable Judge:

"Jury Trial Demand"

Dated: Feb 10, 2015

Affidavit of Joel Cardenas-Meneses via: Fed.R.Civ.P. Rule 56 (f)
In Support of his Civil Action

This affidavit is filed under 28 U.S.C. § 1746, under the penalties of perjury the above & the following to be true, correct & complete:

[1] Plaintiff: Cardenas is currently incarcerated within the Federal Bureau of Prisons, under the United States Department of Justice, at: FCC Yazoo City (Med) Yazoo City, Mississippi via: United States v. Cardenas, criminal action #M-06-CR-777-RC. Southern District of Texas McAllen Division, for a period of 30 years.

[2] Defendants: Alaniz, Losano, & John & Jane Does 1-20;
Mr. Gaytan Ice Agent; Mr. Pacheco, DPS Agent; TX Cardenas's arrest & prosecution & at no time ever notified Cardenas's of his right to contact & communicate with his Mexican Consulate under Article

36 of the Vienna Convention on Consular Relations, as required by Statute 21 (ATS), 21 U.S.T. 77, 596 U.N.T.S. 251, Treaty with the United States of America.

Moreover, not only did the Defendants supra failed to Notify Cardenas of his Right to contact & communicate with his Consulate, but the Defendants never advised Cardenas that they contacted his Mexican Consulate under the Vienna Convention Treaty between Mexico & the United States of America concerning Cardenas: _____ arrest & continuous incarceration via: USA v. Cardenas, criminal action # 7-06-CR-00777-5 (Southern District of Texas McAllen Division) within 24 hours as required under the mandated Article 36 of the Vienna Convention on Consular Relations.

[3]

Statement of Claim

Place of the Occurence

Date of the Occurence

Witnesses to the Occurence

Federal & State Law Enforcement Agents: Mr. Lozano ICE agent: Mr. Gaytan ICE agent; Mr. Pacheco, DPS agent; Alaniz, AUSA

Defendants.

[4] Plaintiff/Affiant: Cardenas, was born in Mexico on: May 28, 1968. He arrived in the United States around: Feb 09, 2011

[5] On February 10, 2011, Cardenas was indicted by the Defendants supra, see USA v. Cardenas, criminal action # 7-06-CR-00777-5 (S.D.-Texas McAllen/Division).

[6]

Memorandum of Law In Support

Pursuant to Article 36 of the Vienna Convention on Consular

Relations, April 24, 1963, 21 U.S.T. 77, T.I.A.S. No. 6820 (the-
"Vienna Convention"), the United States & its employee(s) Defendants,
supra & pursuant to the Supremacy Clause of the United States Con-
stitution, the States of Texas & its Officials Defendants in Car-
denas, supra, is required to inform the Mexican National Cardenas
who has been arrested on February 09, 2011, by the Defendants, supra
and detained that he (Cardenas), has the right to contact a Consu-
lar Official from his Country Mexico.

Moreover, under the Vienna Convention the Texas Officials are
required to Notify the Consular Post of Mexico if a National (Car-
denas), of Mexico is "arrested or committed to prison or to custody
pending trial or is detained in any manner" upon the detained Na-
tional's (Cardenas's) arrest on Februar, 09, 2011.

[7] Plaintiff: Cardenas, was never informed of his right to
contact the Mexican Consulate on his own and so far the Defendants,
supra records state that they DID NOT notify the Mexican Consulate
of Cardenas's arrest on February 09, 2011.

Moreover, according to the Public Records concerning Cardenas's
case that is clearly visible from the Police Reports of the Defen-
dants that they DID NOT notify Plaintiff/Affiant: Cardenas of his
Vienna Convention Rights or even that the Defendants, supra even
knew that such rights exists.

[8] All of the above specifically stated Defendants, were aw-
are that Cardenas was NOT a natural born United States Citizen &
was a Mexican Citizen.

[9] Within 24 hours all of the Defendants knew that after they
finger printed Cardenas, and a NCIC computer & ICE search was

conducted they knew that Cardenas, was not a natural born American citizen & was in-fact a Mexican born citizen.

[10] In-fact one of the Defendants is an actual ICE agent, for the Immigration Naturalization Service (INS) & is also with: Immigration Customs Enforcement (ICE), with absolute technological advancements to ascertain whether Cardenas is NOT a American Citizen. See Defendant: Agent Losano, ICE Special Agent, supra.

[11] On February 9, 2011 date, Cardenas did in-fact request to speak with the Mexican Consulate & was refused by all of the Defendants, supra.

Relief Requested

Plaintiff/Affiant; Cardenas, respectfully requests that all Defendants pay \$1,000,000.00 each in Compensatory & Punitive Damages.

Plaintiff: Cardenas, also requests that the Defendants, supra hand over all concealed exculpatory material Brady, Giles & Giglio evidence to Cardenas, and for this Court to ORDER, that all parties conduct a diligent discovery process under Fed.R.Civ.P . Rules 26-37, within thirty days facilitate an more concise understanding of this case for a Jury Trial under the Speedy Trial Act of 1974.

The above request is to further the Public Record & the administration of Justice. Signed under 28 U.S.C. § 1746, under the penalties of perjury the above & the following to be true, correct & complete. Pro-se.

Respectfully Submitted By
Plaintiff/Claimant/Affiant:

Joel Cardenas-Meneses
48474-179

CERTIFICATE OF SERVICE

I, Plaintiff: Cardenas, hereby certify that this Affidavit in Support of my Complaint, was sent via: United States Mail/Postage Prepaid on this 10, day of February, 2015 to the following:

Clerk of Court
Clerk's Office
U.S. District Court
United States Courthouse
Southern District of Texas
McAllen Division
1701 W. Bus. HWY 83
STE 1011
McAllen, Texas 78501

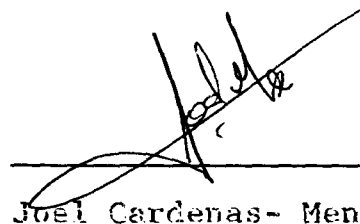
Defendant: Special Agent Eduardo Lozano
Agent of Homeland Security Invest.
2301 S. Main St.
McAllen, Texas 78503

Defendant: Gabriel Gaytan,
Group Supervisor of Homeland Sec. Invest.
2301 S. Main St.
McAllen, Texas 78503

Defendant: AUSA: Anibal J. Alaniz
U.S. Attorney Office
1701 West Business HWY 83
Suite 6000
McAllen, Texas 78501

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U.S. Attorney General
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950 Pennsylvania, N.W.
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Joel Cardenas- Meneses